

Case No. 1:14-cv-00809
Gwin, J.

review.^{6/}

In this case, neither party has objected to the R&R. Moreover, having conducted its own review of the record and the parties' briefing in this case, the Court agrees with the conclusions of Magistrate Judge White.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge White's Report and Recommendation and incorporates it fully herein by reference. The Court **DENIES** Emerson's petition.

Moreover, the Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and no basis exists upon which to issue a certificate of appealability.^{7/}

IT IS SO ORDERED.

Dated: June 30, 2015

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{6/}See [Thomas](#), 474 U.S. at 149.

^{7/}[28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).